

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicant gratefully acknowledges the indication that claims 19-22, 25, 27-34, 37 and 39-44 are allowed.

The typographical error in claim 43 has been corrected and withdrawal of the objection to this claim is respectfully requested.

While not acquiescing in the rejections or characterizations of the references in the office action, claims 23, 24, 35 and 36 have been canceled without prejudice or disclaimer.

Remaining claims 26 and 38 were rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by a proposed combination of Pogrebinsky et al. (U.S. Publication No. 2002/0101855) in view of Treadaway et al. (U.S. Patent No. 6,480,477), Ohlsson et al. (U.S. Patent No. 6,452,950) and Robinson et al. (U.S. Patent No. 4,270,183).

The office action alleges on page 6 that Robinson et al. discloses "modifying a clock for data reproduction" and that "[i]t would have been obvious ... to combine modifying a clock for data reproduction, as suggested by Robinson et al., with the system and method of Pogrebinsky, Treadaway et al., and Ohlsson et al."

Applicant traverses these contentions.

Claims 26 and 38 recite that a clock for data reproduction is modified when the number of packets in the receiving buffer at intervals of a predetermined time period shows increase or decrease in the number of packets with time. In contrast, Robinson et al. discloses that the condition for modifying the clock for data reproduction is based on whether the buffer is less than or greater than approximately half-full. See, e.g., col. 3, lines 55-68 and claim 1 of Robinson et al. This condition is different from and not suggestive of the condition for modifying the clock set forth in claims 26 and 38. Consequently, these claims patentably distinguish from the combination of references proposed in the office action.

NAKABAYASHI, J.
Serial No. 10/031,200
Response to Office Action dated April 23, 2008

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

Michael J. Shea

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